

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:07-cr-125
	)	
vs.	)	
	)	JUDGE COLLIER
	)	MAGISTRATE JUDGE LEE
JAMES MANEY	)	

REPORT AND RECOMMENDATION

Counsel for the defendant requested a psychiatric/psychological evaluation of defendant JAMES MANEY on November 30, 2007 [Doc. 12] and an order was entered on December 13, 2007 allowing said evaluation [Doc. 15]. An April 15, 2008 letter from Tracy Johns, Warden of the Federal Bureau of Prisons, Federal Correctional Center in Butner, North Carolina, and a Forensic Evaluation of defendant Maney, were received by the Court. The findings in the evaluation are that defendant is not suffering from a severe mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist his attorney in his defense, defendant is competent to proceed and defendant was able to appreciate the nature and quality of wrongfulness of his actions, and defendant does not suffer from diminished capacity. Defendant filed a Waiver of Competency Hearing pursuant to 18 U.S.C. § 4247(d) on May 23, 2008 [Doc. 19]. On the basis of the waiver and the evaluation, I **RECOMMEND** the Court find defendant Maney is competent to understand the nature

and consequences of the proceedings against him and able to assist in his defense, and further find defendant is competent to stand trial. Further, defendant Maney's counsel has requested that the mental health evaluation of defendant Maney be filed under seal. It is hereby **ORDERED** that the mental health evaluation of defendant Maney shall be filed under seal. The Clerk's Office is therefore **DIRECTED** to place said evaluation under seal.

SO ORDERED:

ENTER.

s/ *Susan K. Lee*

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE